

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

---

PML NORTH AMERICA, LLC,

Plaintiff,

v.

Case No. 05-CV-70404-DT

HARTFORD UNDERWRITERS INSURANCE  
COMPANY, et al.,

Defendants.

---

**ORDER VACATING JUNE 23, 2005 ORDER AND REINSTATING ANSWER**

On June 23, 2005, the court issued an order striking Defendant RTP Insurance's ("RTP's") June 17, 2005 "Answer" and denying without prejudice RTP's June 3, 2005 "Motion to Extend Time in Which to Answer" inasmuch as the pleadings indicated that Defendant RTP was a corporation, and no appearance had been filed by an attorney. Instead, the answer and motion had been signed and filed by Mr. John Edward Gilchrist, who represented himself to be the owner of RTP. "The rule of this circuit is that a corporation cannot appear in federal court except through an attorney." See *Doherty v. American Motors Corp.*, 728 F.2d 334, 340 (6th Cir. 1984). The court thus directed RTP to obtain counsel and have that counsel file an appearance with the court before July 29, 2005.

On August 1, 2005, RTP filed a "Response to Court Letter of June 27, 2005," again signed and filed, not by an attorney, but by Mr. Gilchrist. In his "Response," however, Mr. Gilchrist explains that RTP is not in fact a corporation, as the earlier pleadings had suggested, but is a sole proprietorship owned by Mr. Gilchrist. While

it is true that “[t]he law is well-settled that a corporation may appear in federal courts only through licensed counsel and not through the *pro se* representation of an officer, agent, or shareholder,” *N.L.R.B. v. Consolidated Food Services, Inc.*, 81 Fed. Appx. 13, 15 (6th Cir. 2003) (citations omitted), it is also true that “[t]here is caselaw . . . that holds that a sole proprietorship has no legal existence apart from its owner and that the individual owner may represent a sole proprietorship in a *pro se* capacity,” *id.* (citing *United States v. Fox*, 721 F.2d 32, 36 (2d Cir.1983); *United Parcel Service v. The Net, Inc.*, 185 F. Supp. 2d 274, 279-80 (E.D.N.Y.2002); *Lowery v. Hoffman*, 188 F.R.D. 651, 653-54 (M.D. Ala.1999)). Thus, the court finds that Mr. Gilchrist, as the sole owner of RTP, may appear *pro se* on behalf of RTP. Accordingly,

IT IS ORDERED that the court’s June 23, 2005 “Order Striking Answer and Requiring Representation by Counsel” [Dkt. # 16] is VACATED and RTP’s June 17, 2005 “Answer” is REINSTATED to the court’s docket, and shall be deemed filed as of June 17, 2005.

S/Robert H. Cleland

ROBERT H. CLELAND

UNITED STATES DISTRICT JUDGE

Dated: October 18, 2005

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, October 18, 2005, by electronic and/or ordinary mail.

S/Lisa G. Teets

Case Manager and Deputy Clerk

(313) 234-5522